

April 20, 1999

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

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REPORT AND RECOMMENDATION TO THE KING COUNTY COUNCIL

SUBJECT: Department of Natural Resources,
Water and Land Resources Division File No. **E98CT044**
Proposed Ordinance No. **99-0119**

Open Space Taxation (Public Benefit Rating System)
Application of **ARTHUR H. HANSEN**
37032 – 286th Avenue SE
Enumclaw, WA 98022

Location: Same as above

SUMMARY OF RECOMMENDATIONS:

Department's Preliminary:	Approve, subject to conditions
Department's Final:	Approve, subject to conditions
Examiner:	Approve, subject to conditions

PRELIMINARY MATTERS:

The Department of Natural Resources, Water and Land Resources Division Preliminary Report on Item No. E98CT044 was received by the Examiner on March 3, 1999.

PUBLIC HEARING:

After reviewing the Department of Natural Resources, Water and Land Resources Division Report and examining available information on file with the application, the Examiner conducted a public hearing on the subject as follows:

The hearing on Item No. E98CT044 was opened by the Examiner at 9:30 a.m., April 12, 1999, in the 5th Floor Conference Room, Union Bank of California Building, 900 Fourth Avenue, Seattle, and closed at 9:38 a.m.

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the office of the King County Hearing Examiner.

FINDINGS, CONCLUSIONS & RECOMMENDATION: Having reviewed the record in this matter, the Examiner now makes and enters the following:

FINDINGS:

1. General Information:

Owner: Arthur H. Hansen
37032 – 286th Avenue SE
Enumclaw, WA 98022

Location: Same as above
Zoning: RA5PSO
Acreage:

Property Total: 4.91 acres
Subject to Application: 4. + acres
Recommended: 4.44 acres

STR: NW-NE-31-21-07

2. Except as modified herein, the facts set forth in the King County Department of Natural Resources, Water and Land Resources Division Preliminary Report to the King County Hearing Examiner for the April 12, 1999, public hearing are found to be correct and are incorporated herein by this reference. Copies of the Division Report will be attached hereto for submittal to the King County Council.
3. A complete application for current use open space classification was received by the Water and Land Resources Division prior to December 31, 1998. Notice for the April 12, 1999 public hearing on the application was published at least 20 days in advance of the hearing date in the Seattle Times and a local community newspaper. The staff recommends that the application be granted 20 points under the King County Public Benefit rating system.

CONCLUSIONS:

1. The conclusions stated in the Water and Land Resources Division's Preliminary Report to the Hearing Examiner for the April 12, 1999 public hearing are found to be correct and are incorporated herein by reference.
2. A timely application has been filed and proper legal notice published with respect to the current use assessment application.
3. The application concerns property which is open space land within the meaning of RCW 84.34.020.
4. The property is eligible for open space classification under the King County Public Benefit rating

approval recommended herein assure that the public benefits which provide the basis for reduction in tax assessment shall be maintained, preserved, conserved and continued for economic and social well being of King County and its citizens.

5. Based on the record, the application is entitled to a total public benefit rating of 20 points for 4.44 acres which results in a valuation of 30% of market value. Additional credit for the limited access due to resource sensitivity category may be granted upon determination by the Water and Land Resources Division that the requirements of Condition No.3 below have been met.

RECOMMENDATION:

APPROVE the request of Arthur H. Hansen for current use taxation (open space classification) with the public benefit rating points described above, subject to the following conditions:

1. Within 30 days of the date of approval of this application by the Metropolitan King County Council the applicant shall sign an agreement which accepts the conditions of approval and meets the requirements of WAC 458-30-240.
2. The remaining conditions of approval are those stated in the Water and Land Resources Division staff report (Exhibit No.4).
3. Additional credit for the limited access due to resource sensitivity category may be authorized upon submission of satisfactory documentation from an appropriate user group to the Water and Land Resources Division by June 30, 1999.

RECOMMENDED this 20th day of April, 1999.

Stafford L. Smith, Deputy
King County Hearing Examiner

TRANSMITTED this 19th day of April, 1999, to the parties and interested persons named below:

Arthur H. Hansen
Susan Monroe
Charlie Sundberg
Kristine Langley

Ted Sullivan
Monica Clarke
Tom Beavers

**NOTICE OF RIGHT TO APPEAL
AND ADDITIONAL ACTION REQUIRED**

In order to appeal the recommendation of the Examiner, written notice of appeal must be filed with the Clerk of the King County Council with a fee of \$125.00 (check payable to King County Office of Finance) *on or before May 4, 1999*. If a notice of appeal is filed, the original and 6 copies of a written appeal statement specifying the basis for the appeal and argument in support of the appeal must be filed with the Clerk of the King County Council *on or before May 11, 1999*. Appeal statements may refer only to facts contained in the hearing record; new facts may not be presented on appeal.

Filing requires actual delivery to the Office of the Clerk of the Council, Room 403, King County Courthouse, prior to the close of business (4:30 p.m.) on the date due. Prior mailing is not sufficient if actual receipt by the Clerk does not occur within the applicable time period. The Examiner does not have authority to extend the time period unless the Office of the Clerk is not open on the specified closing date, in which event delivery prior to the close of business on the next business day is sufficient to meet the filing requirement.

If a written notice of appeal and filing fee are not filed within 14 days calendar days of the date of this report, or if a written appeal statement and argument are not filed within 21 calendar days of the date of this report, the Clerk of the Council shall place a proposed ordinance which implements the Examiner's recommended action on the agenda of the next available Council meeting. At that meeting, the Council may adopt the Examiner's recommendation, may defer action, may refer the matter to a Council committee, or may remand to the Examiner for further hearing or further consideration.

Action of the Council Final. The action of the Council on a recommendation of the Examiner shall be final and conclusive unless within twenty (20) days from the date of the action an aggrieved party or person applies for a writ of certiorari from the Superior Court in and for the County of King, State of Washington, for the purpose of review of the action taken.

**MINUTES OF THE APRIL 12, 1999 PUBLIC HEARING ON DEPARTMENT OF NATURAL RESOURCES
FILE NO. E98CT044 – HANSEN:**

Stafford L. Smith was the Hearing Examiner in this matter. Participating in the hearing was Ted Sullivan and Tom Beavers.

The following exhibits were offered and entered into the hearing record:

Exhibit No. 1	Omitted
Exhibit No. 2	Omitted
Exhibit No. 3	Omitted
Exhibit No. 4	Preliminary report to the examiner, dated April 12, 1999
Exhibit No. 5	Legal Notice to Council, dated February 24, 1999
Exhibit No. 6	Introductory Ordinance to Council
Exhibit No. 7	Affidavit of Publication received, dated March 15, 1999
Exhibit No. 8	Notification to Applicant of hearing sent, dated March 30, 1999
Exhibit No. 9	Application signed/notarized, dated November 24, 1998
Exhibit No.10	Legal description of designated open space
Exhibit No.11	Assessor map Exhibit No.12 King County Situs Report
Exhibit No.13	King County Assessor's Database
Exhibit No.14	Site map (refer to Exhibit #9)
Exhibit No.15	Arcview map
Exhibit No.16	Notice of Hearing, office of Hearing Examiner, dated March 12, 1999
Exhibit No.17	Forest Stewardship Plan